

PROB 12C
(6/16)

Report Date: December 9, 2021

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 09, 2021

Eastern District of Washington

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jorge Ballesteros

Case Number: 0980 4:20CR06004-SAB-1

Address of Offender:

Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 30, 2021

Original Offense: Possession of a Controlled Substance, Methamphetamine, 21 U.S.C. § 844

Original Sentence: Prison - 490 days; Type of Supervision: Supervised Release
TSR - 12 months

Asst. U.S. Attorney: Matthew Alan Stone Date Supervision Commenced: August 30, 2021

Defense Attorney: Kenneth D Therrien Date Supervision Expires: August 29, 2022

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

Violation 1-4 preface, combined for brevity:

Mr. Ballesteros began his term of supervised release on August 30, 2021. On September 10, 2021, all the conditions of supervision were reviewed with Mr. Ballesteros, which he signed acknowledging a full understanding, to include mandatory condition number 1, as noted below.

On October 18, 2021, a violation report was submitted to the Court requesting the conditions of supervision to be modified with the consent of the offender after Mr. Ballesteros provided a positive drug test for marijuana and methamphetamine. The Court concurred with the recommendation to modify the conditions of supervision, to include abstaining from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances. On October 28, 2021, after the Court's approval, the imposed condition was reviewed with Mr. Ballesteros, to include special condition number 1, as noted below.

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On November 1, 2021, Mr. Ballesteros was referred to Merit Resource Services (Merit) to participate in the color line for random drug testing. He was instructed to call the color line daily, Monday through Friday, and to report in person if his assigned color, Green, was called. Mr. Ballesteros verbalized understanding of these instructions.

Mandatory Condition #1: You must not commit another federal, state or local crime.

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Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by committing an offense of driving while license suspended and failing to obey a police officer on or about November 5, 2021.

The following is a summary of the Pasco Police Department incident investigation report:

On November 5, 2021, at approximately 01:00 a.m., Pasco Police Department (PPD) Officer Vargas, while conducting an extra patrol of the Tahitian Inn parking lot in Pasco, Washington, saw a silver Mazda C3, Washington License #BJA7450, parked in the back parking lot in front of room number 202. PPD Officer Vargas saw the vehicle was backed into the parking spot, having the trunk of the vehicle facing the front door to the motel room. A male was sitting in the driver's seat of the vehicle. The male appeared to have tattoos on his face, and there was a female hunched over in the passenger's seat. It is important to note, the Tahitian Inn is a location where criminal activity is common and rampant. PPD Officer Vargas saw the vehicle loitering in the parking lot on his previous shift (on November 4, 2021), and confirmed this by conducting a registration check. The vehicle's registration was expired as of March 6, 2020.

At approximately 01:21 a.m., PPD Officer Vargas saw the silver Mazda C3 exit the Tahitian Inn onto northbound Road 68. The vehicle had an expired registration and PPD Officer Vargas planned on conducting a traffic stop for the expired registration violation. PPD Officer Vargas got behind the vehicle on Lewis Street and 20th Avenue in Pasco, and activated the emergency lights. The Mazda 3 maintained its lane of travel at the posted speed limit. The vehicle did not stop for the PPD Officer's emergency lights nor siren. Then the Mazda 3 accelerated, and began traveling at a high rate of speed. This attempted traffic stop was terminated.

The vehicle was later seen traveling in the opposite direction in excess of 70 mph, accelerating the entire time. The vehicle was later found abandoned in the back parking lot of the Kentucky Fried Chicken restaurant in Pasco. The vehicle was unoccupied and the keys were still in the ignition. The vehicle was very clean with very little property in it. Inside the vehicle was a blue, folded bandana (which is a street gang identifier) draped over the ignition box with a large steel chain on top of it. During the inventory of the property found inside the vehicle, a piece of paper which had "Log In" information handwritten on it. The password to the log in information was Ballesteros22\$, written in ink.

Patrol officers began searching for the male and female occupants in the area of the adjacent apartment complex. Jorge Ballesteros was located in the adjacent complex. PPD Officer Vargas recognized Mr. Ballesteros as the male who was in the driver's seat at the Tahitian Inn. Mr. Ballesteros was arrested and booked into the Franklin County Jail. He was charged with driving with a suspended license (case number 1A0077557), and failing to obey police officer (case number 1A0077558). Mr. Ballesteros released on bail from the custody of the Franklin

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County Jail on November 8, 2021, and is currently not in custody.

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Special Condition # 1: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or about November 19, and 28, 2021.

On November 19, 2021, Mr. Ballesteros reported to Merit for random drug testing when his assigned color was called. Merit staff reported this drug test was presumptive positive for methamphetamine and marijuana. Merit staff sent this drug test to Abbott Laboratory for confirmation. On December 3, 2021, the probation office received the drug test report from Abbott Laboratory confirming the positive drug test results for methamphetamine and amphetamine.

On December 2, 2021, Mr. Ballesteros reported to the probation office as instructed. During this office contact, the undersigned officer instructed Mr. Ballesteros to provide a drug test, which was observed by U.S. Probation Officer David McCary. This drug test result was presumptive positive for methamphetamine. This drug test was sent to Abbott Laboratory for confirmation and the drug test report is pending. Mr. Ballesteros admitted to the undersigned officer to using methamphetamine on or about November 28, 2021, because he was feeling stressed. Mr. Ballesteros signed a drug use admission form.

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Special Condition # 1: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by using a controlled substance, marijuana, on or about November 19, 2021.

On November 19, 2021, Mr. Ballesteros reported to Merit for random drug testing when his assigned color was called. Merit staff reported to the undersigned officer this drug test was presumptive positive for methamphetamine and marijuana. Merit staff sent this drug test to Abbott Laboratory for confirmation. The drug test report from Abbott Laboratory was received on December 2, 2021, confirming the positive drug test result for marijuana.

On December 2, 2021, Mr. Ballesteros reported to the probation office as instructed by the undersigned officer. During this office contact, the undersigned officer instructed Mr. Ballesteros to complete a drug test, which was observed by U.S. Probation Officer David McCary. This drug test result was presumptive positive for marijuana. This drug test was sent to Abbott Laboratory for confirmation and the drug test report is pending.

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Special Condition # 1: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but

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no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by failing to report to Merit for drug testing on December 8, 2021.

On December 9, 2021, Merit reported Mr. Ballesteros did not report for drug testing when his assigned color was called on December 8, 2021.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 9, 2021

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

12/9/2021

Date